



HOUSE OF REPRESENTATIVES

HB 2130

municipalities; counties; energy use; reporting

Prime Sponsor: Representative Petersen, LD 12

DPA Committee on Commerce

DPA Caucus and COW

X House Engrossed

OVERVIEW

HB 2130 repeals and reinserts prohibitions on municipalities and counties requiring businesses to report their energy consumption.

PROVISIONS

1. Repeals statute enacted last session and reinserts it into a separate section of law that prohibits municipalities and counties from requiring business owners or tenants to report their energy use, including energy consumption benchmarking and energy efficiency audits.
2. Mirrors the current law, which states that measuring and reporting energy use and consumption is a matter of statewide concern, and therefore businesses are not subject to further regulation by municipalities or counties.
3. Restates the Legislature's finding that small businesses are sensitive to the costs and expenses incurred by regulations and inconsistency hinders their free and open competition.
4. Stipulates that nothing in the bill prohibits a city, town or county that operates a utility from metering, reading or otherwise measuring the consumption and usage of electricity or gas in the course of providing public utility services.

CURRENT LAW

[A.R.S. § 9-500.36](#) and [A.R.S. § 11-269.14](#) (enacted as [Laws 2015, Chapter 271](#)) prohibit municipalities and counties from requiring owners or tenants of businesses, commercial buildings or multifamily housing properties to measure and report their energy usage and consumption, including energy consumption benchmarking and energy efficiency audits.

ADDITIONAL INFORMATION

[Laws 2015, Chapter 271](#), prohibits municipalities and counties from adopting regulations to measure and report energy consumption and the sale, use and disposition of *auxiliary containers*. It became effective July 3, 2015. In September, a complaint was filed [Kuby v. Arizona \(2015\)](#) in Maricopa County Superior Court by an individual alleging the legislation violates the title and single-subject provisions of the Arizona Constitution. [Article 4, Part 2 § 13 of the Arizona Constitution](#) states “every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.” The lawsuit alleges the bill violates [Article 13, § 2 of the Arizona Constitution](#) because “it legislates over the local issues of energy benchmarking and the regulation of auxiliary containers, which fall under the control of charter cities” [Kuby v. Arizona \(2015\)](#). HB 2130 and HB 2131 repeal and reinsert provisions related to energy use and the sale, use and disposition of auxiliary containers, respectively, into separate sections of law.